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In re Application of
Mark Marshall et al.
Application No. 10/759,997
Filed: January 16, 2004
Attorney Docket No. P0020093.00

DECISION ON PETITION

This is a decision on a renewed petition under 37 CFR 1.137(b), filed June 18, 2009, to revive the above-identified application.

The petition is **GRANTED**.

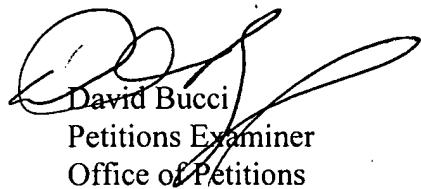
The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed February 11, 2008, which set a shortened statutory period for reply of three (3) months. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment *that prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is May 12, 2008.

The petition satisfies the requirement of 37 CFR 1.137 (b) in that (1) a Request for Continued Examination and fee, the reply in the form of an Amendment (submitted on June 18, 2009); (2) the petition fee of \$1640; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of February 11, 2008 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tammara Peyton at (571) 272-6052 or in his absence to the undersigned at (571) 272-3217.

Application No. 10/759,997

The application matter is being referred to Technology Center 3700, Art Unit 3762 for further processing.



David Bucci
Petitions Examiner
Office of Petitions